

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

AMY ANN PITTS,)
)
Petitioner,)
)
v.) Civil Action No.
) 2:06cv1129-MEF-SRW
UNITED STATES OF AMERICA,)
)
Respondent.)

O R D E R

On January 23, 2007 (Doc. No. 9), the respondent United States moved for leave to file a motion to dismiss the petitioner's 28 U.S.C. § 2255 motion without filing a response on the merits, arguing as grounds that the § 2255 motion is barred from review pursuant to a waiver provision contained in the plea agreement, whereby the petitioner allegedly relinquished her right to appeal or collaterally attack her sentence. Thereafter, this court entered an order directing the government to provide this court with additional support for its contention that the petitioner's § 2255 motion is barred from review pursuant to the waiver provision in the plea agreement, including evidentiary material establishing that the plea agreement was accepted by the district court. (Doc. No. 10.)

Pursuant to this court's orders, the government has filed a response containing additional argument and evidentiary material in support of its contention that the petitioner's § 2255 motion is barred from review pursuant to the waiver provision in the plea agreement and that, consequently, this court should grant the government's request for leave to file a

motion to dismiss the § 2255 motion without a response on the merits. (Doc. No. 11.)

Accordingly, it is

ORDERED that on or before March 14, 2007, the petitioner may file a reply to the government's motion for leave to file a motion to dismiss the petitioner's § 2255 motion.

Done this 23rd day of February, 2007.

/s/Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE